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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,797	08/19/2002	Ta-Wei Liu	8248-US-PA	4095

31561 7590 07/27/2004

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
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2673

3

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,797

Applicant(s)

LIU ET AL.

Examiner

Prabodh M Dharia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because top of the page repeats the title and the word count exceeds 150. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yap (US 2002/0190823 A1).

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Regarding Claim 1, Yap teaches a stylus (page 1, paragraph 007, Line 2) retaining and releasing mechanism suitable for use (page 1, paragraph 007, Line 1,2) within a housing that can receive a stylus having a retaining slot formed thereon (page 1, paragraph 008, Line 2,3), wherein the housing has a cavity into which the stylus can be slidably inserted (page 3, paragraph 036), the stylus retaining and releasing mechanism (page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8) comprising: a stylus-releasing device (page 1, paragraph 007, Line 2, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device is arranged at a location of the housing (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4), that terminates the cavity so that, in a first stage of operation, the stylus-releasing device can store resilient force in a stable configuration after the stylus being inserted in the cavity presses on the stylus-releasing device to engage into the first stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8), and in a second stage of operation, the stylus-releasing device can exert a resilient force on the stylus being held immobile in the cavity to eject the stylus out of the cavity after a short pressing action is applied on the inserted stylus to disengage the stylus-releasing device from the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036); and a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in

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the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 2, Yap teaches teaches the retainer is formed with the housing in a single body (paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 3, Yap teaches an impeding member that contacts with the stylus in the cavity to moderate the ejection of the stylus (page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 7, Yap teaches an electronic equipment having a touch panel display screen (page 1, paragraph 2, Lines 1,2 paragraph 3), comprising: a stylus (page 1, paragraph 007, Line 1,2), wherein the stylus serves as pointing device (page 1, paragraph 3), and has a retaining slot (page 1, paragraph 007, Line 1,2, paragraph 008, Line 2,3) thereon; a housing, wherein the housing includes a cavity in which the stylus can be slidably inserted when not used (page 3, paragraph 0036); a stylus-releasing device (page 1, paragraph 007, Line 1,2, page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device (page 1, paragraph 007, Line 2, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device is arranged at a location of the housing (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4), that terminates the cavity so that, in a first stage of operation, the stylus-releasing device can store resilient force in a stable configuration after the stylus being inserted in the cavity presses on the stylus-releasing device to engage into the first stable configuration (page 1, paragraph

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007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8), and in a second stage of operation, the stylus-releasing device can exert a resilient force on the stylus being held immobile in the cavity to eject the stylus out of the cavity after a short pressing action is applied on the inserted stylus to disengage the stylus-releasing device from the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036); and a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 8, Yap teaches the retainer is formed with the housing in a single body (page 3, paragraph 0036).

Regarding Claim 9, Yap teaches an impeding member that contacts with the stylus in the cavity to moderate the ejection of the stylus (page 3, paragraph 32, Lines 4-7, page 3, paragraph 0034, Lines 4-8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap (2002/0190823 A1) as applied to claim 1-3, 7-9 above, and further in view of Price et al. (5,561,282).

Regarding Claim 4, Yap teaches the impeding member includes a material with relatively high friction coefficient (paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7).

However, Yap fails to specifically teach impeding member includes a material with relatively high friction.

However, Price et al. teaches impeding member includes a material with relatively high friction (Col. 17, lines 24-35 The interior walls of the retaining housing is smaller than the barrel of the stylus, which produces higher friction and makes stylus immobile).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Yap teaching in teaching of Price et al. to have user friendly electronic device, which not only produces convenience for consumer but also for merchants in retail industry.

Regarding Claim 5, Yap teaches the impeding member includes foam polymer material (page 2, paragraph 0022, 0023).

Regarding Claim 6, Yap teaches the stylus-releasing device is fixedly attached on the housing by means of a resilient plate, the resilient plate is fixedly attached to the stylus-releasing

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device and further terminates into a plurality of bent claws that fixedly insert in the housing (page 2, paragraph 0026, 0027).

Regarding Claim 10, Yap teaches the impeding member includes a material with relatively high friction coefficient (paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7).

However, Yap fails to specifically teach impeding member includes a material with relatively high friction.

However, Price et al. teaches impeding member includes a material with relatively high friction (Col. 17, lines 24-35 The interior walls of the retaining housing is smaller than the barrel of the stylus, which produces higher friction and makes stylus immobile).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Yap teaching in teaching of Price et al. to have user friendly electronic device, which not only produces convenience for consumer but also for merchants in retails industry.

Regarding Claim 11, Yap teaches the impeding member includes foam polymer material (page 2, paragraph 0022, 0023).

Regarding Claim 12, Yap teaches the stylus-releasing device is fixedly attached on the housing by means of a resilient plate, the resilient plate is fixedly attached to the stylus-releasing device and further terminates into a plurality of bent claws that fixedly insert in the housing (page 2, paragraph 0026, 0027).

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is informed that all of the other additional cited references either anticipate or render the claims obvious. In order to not to be repetitive and exhaustive, the examiner did draft additional rejection based on those references.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cook (2002/0021291 A1) Stylus with light emitting diode.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 703-605-1231. The examiner can normally be reached on M-F 8AM to 5PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-3054938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

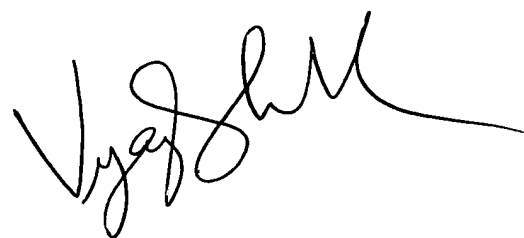
Commissioner of Patents and Trademarks

Washington, D.C. 20231

PD

AU2673

July 4, 2004

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long horizontal flourish extending to the right.

**VIJAY SHANKAR
PRIMARY EXAMINER**